

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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JOHN EVANS,

Plaintiff,

Case No. 2:12-CV-424

v.

Hon. Gordon J. Quist

PAUL WATSON, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

On June 11, 2014, Magistrate Judge Greeley issued a Report and Recommendation (R & R), in which he recommends granting Defendants' motion for summary judgment and dismissing Plaintiff's complaint for failure to exhaust. Plaintiff objected to the R & R. Having conducted a *de novo* review of the R & R, Plaintiff's objections, and the pertinent portions of the record, the Court concludes that the R & R should be adopted and that Plaintiff's complaint should be dismissed.

Plaintiff argues that a plaintiff is not required to plead and prove administrative exhaustion. *See Jones v. Bock*, 549 U.S. 199, 218, 127 S. Ct. 910 (2007). In this case, Defendants raised the issue of exhaustion in a motion for summary judgment, and provided evidence that Plaintiff had not exhausted his administrative remedies. Plaintiff failed to refute that evidence. Accordingly, Plaintiff's first objection is without merit.

Plaintiff further argues that he was not required to name each defendant in his grievance. The magistrate judge found that the grievance at issue in this case was insufficient to exhaust Plaintiff's claim against any defendant—including the single defendant named in the grievance—because it did not address the facts that form the basis of Plaintiff's claims. Thus, it is

unnecessary to determine whether Plaintiff was required to name the other defendants in the grievance.

Finally, Plaintiff argues that the Court should not dismiss his claims on exhaustion grounds because he has requested injunctive relief. The Court has reviewed the docket and found nothing that could be construed as a motion for injunctive relief. Accordingly, the Court will not address the merits of this argument.

**THEREFORE,**

**IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge filed June 11, 2014 (dkt. no. 33) is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (dkt. no. 22) is **GRANTED**, and Plaintiff's claims are **DISMISSED with prejudice**.

**This case is concluded.**

Dated: July 10, 2014

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE